



1967—No. 18

*The Daily Comprehensive and Continuing Account of Active Legislation* 90th Congress—1st Session

**THURSDAY, FEBRUARY 16, 1967**

## HOUSE

### HOUSE FLOOR ACTION SCHEDULED TODAY

The House reconvenes today at 12:00 P.M. No legislative business is scheduled.

### HOUSE COMMITTEE ACTION SCHEDULED TODAY

#### ADAM CLAYTON POWELL

Select Committee Pursuant to H.Res. 1, 90th Congress, to hold hearing on the activities of Adam Clayton Powell, of New York. Witnesses scheduled:

MARJORIE FLORES (Mrs. Adam C. Powell);  
C. SUMNER STONE - Special Assistant to Adam C. Powell.

10:00 A.M. - 2141 Rayburn HOB (open)

#### DEFENSE DEPARTMENT - SUPPLEMENTAL AUTHORIZATION

House Armed Services Committee to meet in executive session on H.R. 4515, which would provide for a supplemental authorization for fiscal year 1967. Witnesses scheduled:

LT. GEN. AUSTIN W. BETTS - Chief of Research and Development, Department of Army;  
MAJ. GEN. CHARLES P. BROWN - Director of Army Budget, Department of Army;  
CAPT. G. W. FRANKNECHT - Head, Military Construction Program, Department of Navy;  
BRIG. GEN. HAROLD E. TEUBNER - Deputy Director of the Budget, Department of Air Force;  
BRIG. GEN. J. C. DALRYMPLE - Director of Installations, Office of Deputy Chief of Staff, Department of Army.

10:00 A.M. - 2118 Rayburn HOB (closed)

#### FOREIGN AFFAIRS - DISARMAMENT

House Foreign Affairs Committee to meet in executive session for a briefing by Adrian S. Fischer, Deputy Director of the Arms Control and Disarmament Agency.

10:00 A.M. - 2172 Rayburn HOB (closed)

#### FOREIGN AFFAIRS - KENNEDY ROUND

Subcommittee on Foreign Economic Policy (House Foreign Affairs Committee) to hold hearing on the foreign policy aspects of the Kennedy Round. Witness scheduled:

STANLEY D. METZGER - Professor of International Law, Georgetown University Law Center.

2:00 P.M. - 2255 Rayburn HOB (open)

#### INTEREST EQUALIZATION TAX

House Ways and Means Committee to hold hearing on H.R. 3813, the Interest Equalization Tax Extension Act of 1967. Witnesses scheduled:

KEITH FUNSTON - President, New York Stock Exchange;  
DR. N. R. DANIELIAN - President, International Economic Policy Association;  
ROBERT SEEBECK - Chairman, Foreign Investment Committee Investment Bankers Association of America;  
HENRY L. FROY - Chairman, Foreign Committee, National Association of Securities Dealers, Inc.;  
ROBERT A. GILBERT - Vice President, Investors League, Inc.;  
ANDRIES D. WOODHUYSEN - General Partner, Burnham & Company;  
RALPH E. PURVIS - Bremerton, Washington.

10:00 A.M. - 1102 Longworth HOB (open)

## SENATE

### SENATE FLOOR ACTION SCHEDULED TODAY

The Senate reconvenes today at 12:00 P.M. Legislative Program announced:

S. 355 - proposed Legislative Reorganization Act of 1967.

### SENATE COMMITTEE ACTION SCHEDULED TODAY

#### ARMED SERVICES - NOMINATIONS AND AUTHORIZATIONS

Senate Armed Services Committee to hold open hearing on the nomination of Phil G. Goulding to be an Assistant Secretary of Defense, followed by an executive session to consider S. 665, a supplemental authorization for Southeast Asia for fiscal year 1967.

10:30 A.M. - 212 OSOB (open)

#### HOUSING AND URBAN DEVELOPMENT - NOMINATION

Senate Banking and Currency Committee to hold hearing on the nomination of Thomas C. McGrath, Jr., of New Jersey, to be General Counsel of the Department of Housing and Urban Development.

10:00 A.M. - 5302 NSOB (open)

#### PUBLIC DEBT LIMIT

Senate Finance Committee to hold hearing on H.R. 4573, the Administration's proposal to increase the public debt limit. Witnesses scheduled:

HON. HENRY H. FOWLER - Secretary of Treasury;  
HON. CHARLES L. SCHULTZE - Director, Bureau of the Budget.

10:00 A.M. - 2221 NSOB (open)

#### SOCIAL SCIENCES - ESTABLISH NATIONAL FOUNDATION

Subcommittee on Government Research (Senate Government Operations Committee) to hold hearing on S. 836, which would establish a National Foundation for the Social Sciences. Witnesses scheduled:

DR. PAUL MILLER - Assistant Secretary for Education, Department of Health, Education, and Welfare;  
DR. DONALD M. MacARTHUR - Deputy Director, Research and Technology, Office of the Director of Defense Research and Engineering, Department of Defense.

10:00 A.M. - 1114 NSOB (open)

#### TELEPHONE CALLS - OBSCENE OR HARASSING

Subcommittee on Communications (Senate Commerce Committee) to hold hearing on S. 375, which would amend the Communications Act of 1934 with respect to obscene or harassing telephone calls in interstate or foreign commerce. Witnesses scheduled:

HON. CORNELIUS E. GALLAGHER - U.S. Congressman, New Jersey;  
HON. LIONEL VAN DERLIN - U.S. Congressman, California;  
HON. ROSEL H. HYDE - Chairman, Federal Communications Commission, Washington, D.C.;  
BRIG. GEN. WILLIAM W. BERG - Deputy Assistant Secretary of Defense for Military Personnel Policy, Washington, D.C.;  
HUBERT KERTZ - Vice Pres., American Telephone & Telegraph Co.;  
ADM. WILLIAM C. MOTT - Executive Vice President, U.S. Independent Telephone Association;  
PAUL RODGERS - General Counsel, National Association of Railroad and Utilities Commissioners.

10:00 A.M. - 5110 NSOB (open)

# DAIRY REHENSIVE AND CONTINUING ACCOUNT OF ACTIVE LEGISLATION.

As of 8 P.M., February 15, 1967,

## ACTIVE LEGISLATION

(COLUMN 1)

ALL PUBLIC GENERAL BILLS THAT ANY COMMITTEE OR SUBCOMMITTEE HAS ONCE ACTED UPON OR SCHEDULED FOR HEARINGS, ARE CARRIED HENCEFORWARD ON A DAILY BASIS UNLESS THEY ARE TABLED OR PASSED OVER.

## ACTION TAKEN

(COLUMN 3)

STATEMENT OF LAST ACTION TAKEN AND SCHEDULES ON EACH BILL AS OF 8 P.M. YESTERDAY. THE DATE GIVEN ON HEARINGS IS THAT OF THE LAST DAY IF AN ACTION OR ANNOUNCEMENT OCCURRED YESTERDAY. THE AREA OF NOTATION IS SHADED.

## BILL NUMBER, COMMITTEE

AND SUBCOMMITTEE

(COLUMN 2)

TO WHICH A BILL HAS BEEN ASSIGNED ARE NOTED IN COLUMNAR ORDER. THESE ARE CARRIED WHILE THE BILL IS ON THE FLOOR SINCE COMMITTEE MEMBERS ARE GENERALLY THE LEADERS OF THE LEGISLATION. HR = HOUSE BILL; S = SENATE BILL; (+) INDICATES THERE ARE SIMILAR BILLS WITH DIFFERENT NUMBERS.

## ACTION AWAITED

(COLUMN 4)

STATEMENT OF THE COMMITTEE, SUBCOMMITTEE OR BODY NEXT RESPONSIBLE FOR ACTION ON THIS BILL.

ACTION EXPECTED TODAY IS SHADED.

AMND COMUNC ACT OF 1934 RE OBSCENE OR HARASSING PHONE CALL	S 375	SUBCOM SCHD	COMMUNIC
PRVD FUNDS TO HEW TO DVLV WAY TO PROPEL VECLES W/OUT AIR POL	S 451	JOINT HRNG	S COMMR
PRVD FUNDS TO DEPT OF TRANS TO DVLV AND TEST ELECTRIC VEHICLE	S 453	JOINT HRNG	S COMMR
VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT	S 16	SENATE PASSED	H VETS
AMEND FED POWER ACT-POOLING AGREEMENTS BETW ELEC POWER UTILITIES	S 683	COMM HELD	S COMMR
SUPP AUTHORIZATION FOR SOUTHEAST ASIA FOR FISCAL YEAR 1967	HR 4515	COMM CON-CLD	H ARMED
MILITARY PROCUREMENT FOR FISCAL YEAR 1968	S 666	COMM CON-CLD	S ARMED
DEPT OF DEFENSE THE INTERSTATE LAND SALES FULL DISCLOSURE ACT	S 275	SUBCOM SCHD	SEC
AMEND THE FEDERAL EMPLOYEES GROUP LIFE INSURANCE ACT	S 271	SUBCOM CON-CLD	HB&LI
INCREASE FUNDS FOR TRUST TERRITORY CIV-IL GOVTS FISCAL 1967	S 303	SUBCOM CAN-CELED	S INTOR
NATIONAL WATER COM-MISSION ACT-REVIEW WATER RESOURCE PROBS	S 20	SENATE PASSED	H INTOR
UNITED STATES CONSULAR CONVENTION WITH USSR	S 303	SENATE PASSED	H INTOR
IMPROVE OPERATION OF LEGISLATIVE BRANCH OF FEDERAL GOVT	S 355	COMM APPROVED	OF CONG
PROHIBIT DOCS PROFIT FROM SALE OF PRO-DUCTS THEY PRESCRIBE	S 260	SUBCOM HELD	S JUDIC
MANPOWER UTILIZATION ACT OF 1967-EMPLOY NATIONS MANPOWER	S 430	SUBCOM HELD	S LABOR
CONSOLIDATE PRETRIAL CIVIL PROCEEDINGS INTO ONE DISTRICT	S 359	SUBCOM HELD	S JUDIC
INTERIOR DEPT HELP CONSTRUCT & OPERATE DESALTING PLANT IN LA	S 270	SENATE PASSED	H INTOR
PROVIDE A SUBSIDY FOR DOMESTIC PRODUCERS OF GOLD	S 49	SUBCOM HELD	S INTOR
TERMINATE THE INDIAN CLAIMS COMMISSION	S 307	SUBCOM HELD	S INTOR
REVISE AND EXTEND APPALACHIAN REGIONAL DEVELOP ACT OF 1965	S 602	SUBCOM CON-CLD	S PBWKS
ESTABLISH INTERGOVERNMENTAL AFFAIRS COUNCIL	S 671	SUBCOM HELD	S GVOPR
ESTABLISH NATIONAL FOUNDATION FOR SOCIAL SCIENCES	S 836	SUBCOM HELD	S GVOPR
INTEREST EQUALIZATION TAX EXTENSION ACT OF 1967	HR 3813	COMM HELD	H WAYS
RAISE PUBLIC DEBT LIMIT TO 336 BILLION TO END OF FISCAL YR	HR 4573	COMM SCHD	S FINAN
AUTHOR VETS ADMIN TO CONVEY REAL PROPERTY TO BATAVIA NEW YORK	HR 399	COMM APPROVED	H VETS
PROVIDE ANNUAL AUDIT OF ACCOUNTS OF DISABLED AMER VETS	HR 2152	COMM APPROVED	H VETS
AUTHOR VETS ADMIN TO CONVEY REAL PROP TO TEMPLE JC-TEMPLE TEX	HR 2730	COMM APPROVED	H VETS
NURSNG CARE FOR VETS HOSPITALIZED IN ALASKA AND HAWAII	HR 3593	COMM APPROVED	H VETS
CHANGE ELTGIBILITY UNDER WAR ORPHANS EDUC ASSIST PROGRAM	HR 4000	COMM CAN-CELED	H VETS
AUTHORIZE FUNDS FOR ATOMIC ENERGY COMMISS FOR FISCAL YEAR 1968	S 611	COMM HELD	J ATOM

## HOUSE COMMITTEE ACTION-Continued

### INVESTIGATION AUTHORIZATIONS

House Rules Committee to hold hearing on the authorization of the investigative powers of 1967 submitted by the various House committees.

10:30 A.M. - H-313 Capitol (open)

### WATERSHED PROJECTS

Subcommittee on Conservation and Credit (House Agriculture Committee) to hold hearing on the watershed projects under Public Law 89-566. Witnesses scheduled:

HON. DELBERT LATTA - U.S. Congressman, Ohio;  
HON. J. EDWARD ROUSH - U.S. Congressman, Indiana;  
HON. ROBERT T. ASHMORE - U.S. Congressman, South Carolina;  
HON. ROBERT DOLE - U.S. Congressman, Kansas;  
DEPARTMENT OF AGRICULTURE - Representatives' names not announced.

10:00 A.M. - 1301 Longworth HOB (open)

## JOINT COMMITTEE ACTION SCHEDULED TODAY

### ATOMIC ENERGY - 200 BEV ACCELERATOR

Subcommittee on Research, Development and Radiation (Joint Committee on Atomic Energy) to hold hearing on the proposed 200 Bev accelerator. Witnesses scheduled:

DR. EDMOND McMILLAN - Director, Lawrence Radiation Laboratory;  
DR. EDWARD LOFGREN - Lawrence Radiation Laboratory;  
ATOMIC ENERGY COMMISSION - Representatives' names not announced.

10:00 A.M. & 2:00 P.M. - H-403 Capitol (open)

### ECONOMIC REPORT

Joint Economic Committee to hold hearing on the President's 1967 Economic Report. Witnesses scheduled:

JAMES TOBIN - Department of Economics, Yale University;  
JOHN CULBERTSON - Department of Economics, University of Calif.;  
ALVIN HANSEN - Littauer Professor of Political Economy Emeritus, Harvard University;  
PAUL W. McCracken - School of Business Administration, University of Michigan.

10:00 A.M. - 1202 NSOB (open)

### FUTURE HOUSE COMMITTEE ACTIVITY

#### ARMED SERVICES - REAL ESTATE

Subcommittee on Real Estate (House Armed Services Committee) to meet in executive session on Thursday, February 23, concerning various real estate projects.

#### COAST GUARD - AUTHORIZATION

Subcommittee on Coast Guard, Coast and Geodetic Survey and Navigation (House Merchant Marine and Fisheries Committee) to hold hearing February 21 to hear Coast Guard witnesses on the bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and off-shore establishments for the Coast Guard for fiscal 1968.

#### HIGHWAY PROGRAM - CUTBACK

House Public Works Committee and Subcommittee on Roads (Senate Public Works Committee) to hold joint hearings February 27 through March 2 on the cutback of highway construction funds.

#### POST OFFICE - PENDING BUSINESS

House Post Office and Civil Service Committee to meet in executive session on Tuesday, February 21, on pending committee business.

#### SOCIAL SECURITY

House Ways and Means Committee to begin hearings March 1 on the President's 1967 proposals for revisions in the Social Security system. Hon. John W. Gardner, Secretary of Health, Education, and Welfare, has been tentatively scheduled as the lead-off witness.

### FUTURE SENATE COMMITTEE ACTIVITY

#### MERCHANT MARINE - GENERAL REVIEW

Subcommittee on Merchant Marine and Fisheries (Senate Commerce Committee) to hold hearing February 27 and 28 for a general review of the Merchant Marine.

#### SAFETY STANDARDS - AUTOMOBILE

Senate Commerce Committee to hold hearing March 20 to consider the adequacy of the automobile safety standards and to explore the plans of the Safety Agency for the future upgrading and strengthening of the standards.

## ACCOUNT OF LEGISLATION-Continued

RESERVED FORCES BILL OF RIGHTS	HR 2	COMM APPROVED	HOUSE FLOOR
OMNIBUS PROPOSAL TO OVERHAUL ADMINISTRATION	S 518	SUBCOM SCHD	SUBCOM
ATOMIC ENERGY COMMISSION ACT	S JUDIC	HEARING FOR	10

Public Health Service officials in his Department in order to permit more adequate supervisory authority. Better manpower utilization is expected.

Plan No. 4 transferred to the Smithsonian Institution from the Board of Commissioners of the District of Columbia the function of preparing plans and specifications for construction of buildings and bridges at the National Zoological Park. This will vest more complete responsibility for the part in one agency. Greater efficiency is expected.

Plan No. 5 abolished the National Capital Regional Planning Council. The functions of the Council had been assumed by the more representative Metropolitan Washington Council of Governments, which derives financial support both from its member local governments and from Federal urban planning assistance under the Housing and Urban Development Act of 1955. Resultant annual savings of \$25,000 are expected.

#### OTHER ACTIVITIES

Continuing the attention to problems of interagency coordination which was initiated by Vice President Hubert Humphrey when he was chairman, the subcommittee studied, during the 1965 and early 1966, the Federal role in traffic safety and will issue its final report in early 1967. President Lyndon Johnson emphasized the need for a more meaningful Federal role in traffic safety when he recommended the structure of organization for the new Department of Transportation. "No function of the new Department," he asserted, "will be more important than safety." Under the leadership of Chairman McClellan, the Government Operations Committee and then the Senate concurred. Safety is the sole function of the National Traffic Safety Agency as created in Public Law 89-563.

The subcommittee completed its study of the coordination among Federal agencies of their activities related to environmental hazards (pesticides) with the issuance of its final report on July 21, 1966. The hearings, held in 1963 and 1964, produced a voluminous record of testimony by Government officials, scientists, and industrial representatives. The report "Pesticides and Public Policy" (No. 1379) is a critical analysis based primarily on the extensive material in the hearings and presented to the subcommittee.

In creating the Department of Housing and Urban Development in 1965, Congress emphasized the Federal Government's role in urban affairs. At that time members of the Senate expressed interest that the new Department and the new Cabinet member have meaningful authority to coordinate all significant Federal activities related to urban development.

The organic legislation for HUD, therefore, specifically authorized the Secretary of HUD to coordinate these Federal activities:

To assist the President in achieving maximum coordination of the various Federal activities which have a major effect upon urban community, suburban, or metropolitan development.

The purpose of the subcommittee's 1966 study of the Federal Role in Urban Affairs is to determine whether or not this role, which Congress specified for the Secretary of Housing and Urban Development, is in fact exercised and to assess the efficiency, economy, and interagency coordination of the various Federal activities having major effect on urban development.

#### STUDY OF CONSTITUTIONAL RIGHTS

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS,  
January 16, 1967.

Hon. JAMES O. EASTLAND,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The members of the standing Subcommittee on Constitutional Rights have approved the following program and budget for the subcommittee during the first session of the 90th Congress. As subcommittee chairman, I should therefore like to submit these plans, with a draft resolution, for the consideration of the Committee on the Judiciary.

During the second session of the 89th Congress, the subcommittee held 42 days of hearings and received the testimony of 205 witnesses. These hearings concerned S. 745-762, bills designed to improve the administration of military justice; S. 2097, a bill to provide judicial review of the constitutionality of grants and loans under certain acts; bail reform conducted in conjunction with the Subcommittee on Improvements in Judicial Machinery; S. 3779, involving the rights of Federal employees and the inviolability of their privacy; and the following civil rights bills: S. 2845, S. 2846, S. 2923, S. 3170, S. 3290, S. 3763 and S. 3812.

Nine bills were referred to the subcommittee during 1966: seven bills involving civil rights, including aspects of Federal and State jury selection, desegregation of public education, housing, certain acts of violence, and riot control; and two providing safeguards against invasions of privacy by the Federal Government. Two bills considered by the subcommittee were enacted during 1966: 1967, the Bail Reform Act of 1966, the result of a 5-year study; and H.R. 872, a bill related to criminal offenses committed in Indian territory. In addition, S. 2097, a bill to enforce the first amendment by allowing judicial review of certain acts of Congress, passed the Senate. S. 3290, the administration's civil rights bill was reported from the subcommittee with 14 amendments.

The subcommittee, during the second session, received an increasing number of complaints, inquiries, and requests for information and assistance from Members of Congress, State and local governments, private groups, government agencies, and the general public. The correspondence received by the subcommittee in 1966 was five times that received the year before. Over 15,000 letters and other communications were referred to the subcommittee office. The work of the subcommittee in the areas of civil rights, the rights of Federal employees, and military justice prompted the greatest interest among the public; and, consequently, accounted for the majority of the individual complaints with which the subcommittee dealt. Each of these subjects remains of considerable public interest.

During the year the following materials were published by the subcommittee:

#### HEARINGS

Psychological Testing and Constitutional Rights.  
Free Press and Fair Trial.  
Military Justice.  
Judicial Review.  
Civil Rights.

#### COMMITTEE PRINTS

Constitutional Rights of the American Indian (Summary Report of Hearings and Investigations).

Layman's Guide to Individual Rights Under the U.S. Constitution. Annual Report (89th Cong., 1st sess., Rept. No. 1553).

The proposed agenda for the next year includes areas of vital interest to the American people which stand in need of investigation by Congress. The proposed budget should permit the subcommittee, in addition to dealing with legislation referred to it, to continue work on the following subjects:

#### 1. Separation of church and state

In connection with the subcommittee's continuing study of the first amendment's proscription against an establishment of a religion, S. 2097 was referred to the subcommittee for hearings and investigation. This bill was designed to afford taxpayers, citizens, and institutions with the requisite standing to sue to challenge the constitutionality of Federal appropriations for religious purposes.

institutions. During the second session of the 89th Congress, the subcommittee conducted 6 days of hearings on this legislation and favorably reported the bill to the Judiciary Committee with a number of amendments. The Senate approved S. 2097 on July 29, 1966, although no action was taken in the House before Congress adjourned. S. 3, an identical bill, was introduced this month. The subcommittee anticipates early action on this legislation.

A related area of concern involves questions proposed for the 1970 census and a preliminary census for 1968. Upon learning of the Bureau of Census' plans to include questions involving religious affiliations and ancestry, the subcommittee felt an investigation of these questions was necessary to determine whether they amounted to invasions of privacy and infringements of religious liberty. Although the Census Bureau has consented to drop the questions pertaining to religion from the 1970 census, the subcommittee will continue to study this issue.

#### 2. Rights of Federal employees

The subcommittee's study of the rights of Federal employees was culminated in extensive hearings conducted in 1966 on S. 3779, a bill to protect the constitutional rights of Federal employees and prohibit unwarranted invasion of their privacy by the Federal Government. This measure, a bipartisan effort sponsored by 35 Senators, will be reintroduced early in the first session of the 90th Congress. Hearings on S. 3779 will be published in the near future. Further investigation and study, however, will be necessary to report a revised bill to the Senate. In addition, there is need for further examination of what appear to be the major areas of denial of due process to employees.

The subcommittee has received a proposal for establishing an independent agency to administer the provision of such an act, and it is anticipated that hearings will be conducted in this session.

#### 3. Constitutional rights of the American Indian

Last year the subcommittee published a summary report of hearings and investigations on the constitutional rights of the American Indian. This report, which contains the conclusions and recommendations of the subcommittee, is based on findings of the 1965 hearings on eight bills and one resolution designed to guarantee and extend to American Indians those constitutional rights which other American citizens enjoy. New legislation based on the report will be introduced during the first session of the 90th Congress and will be the subject of further investigations by the subcommittee.

H.R. 872, a bill related to offenses committed in Indian territory and referred to the subcommittee in 1965, was favorably reported and enacted into law during the second session of the 89th Congress.

#### 4. Constitutional rights of military personnel

Hearings were continued during the second session of the 89th Congress on 18 bills designed to improve the administration of military justice. These hearings, conducted in conjunction with the special Subcommittee of the Committee on Armed Services, indicate a need for major revision and consolidation of some of these bills. An omnibus bill is being prepared for introduction early in the 90th Congress. In addition, the work of the subcommittee during the next year will include continued observation of the conduct of military courts-martial and investigations connected therewith, as well as the conduct of foreign tribunals having jurisdiction to try servicemen; and investigation procedures of the various military boards.

#### 5. Rights of the mentally ill

(a) The subcommittee plans to continue its investigation of the rights of the mentally ill. Last year the subcommittee continued its study of the implementation and operation of the Hospitalization of the Mentally Ill Act of the District of Columbia. As a result of survey and studies, the need for hearings to review the operation of the 1964 act has been clearly established. The subcommittee will continue to investigate individual complaints dealing with procedures for the hospitalization of the mentally ill.

(b) Due to subcommittee concentration on the civil aspects of this issue, no hearings were held on S. 1109, a bill dealing with the rights of the mentally ill in criminal cases. Senator Ervin, the sponsor of the original measure, plans to introduce this legislation again in the first session of the 90th Congress. It is anticipated that hearings will also be held on this aspect of the rights of the mentally ill.

#### 6. Constitutional rights and the administration of criminal justice

(a) Federal bail procedures: The Bail Reform Act, a product of the subcommittee's prior studies of Federal bail procedures, was enacted into law in 1966 and went into operation last September. This new law has prompted much comment from the legal community and its enforcement has brought numerous inquiries to the subcommittee. Because of the subcommittee's continuing interest in the administration of criminal justice, we shall review the operation of this act during the coming months.

(b) Preventive detention: Denying pretrial release to an accused person eligible for bail on the grounds that his liberty might endanger the public because of his alleged predisposition to commit further crime—raises serious constitutional questions since it involves detaining a defendant supposedly presumed innocent of the crime with which he is charged. This practice has not been dealt with previously as a separate problem by the subcommittee. Although, when the subcommittee held hearings with the Subcommittee on Improvements in Judicial Machinery on the bail reform bill, doubts as to the propriety of this practice were exposed. A considerable portion of those 1965 hearings were devoted to the issue. The subcommittee plans to continue its preliminary study of this problem into the 90th Congress.

(c) Other areas: The subcommittee also examined the various State and Federal laws on habeas corpus during the past session. From its survey, it found that the laws are generally uniform throughout the States, but that there are significant differences in the procedures of many. The subcommittee is now considering a committee print containing a collection of the most important statutes and an analysis of each. The subcommittee is also studying the newly promulgated Federal rules governing discovery in criminal cases. These rules have occasioned controversy because of their possible effect on the ability of a defendant to prepare his defense and their possible conflict with the basic principle which requires the Government to prove the guilt of the accused beyond a reasonable doubt without enlisting his assistance in prosecuting the case against him. Other problems, such as that of persons released on bail who flee the jurisdiction, station house bail, increased use of summons in lieu of arrest, and similar matters are also under study.

#### 7. Free press and fair trial

In the 15 months since the subcommittee's joint hearings with the Subcommittee on Improvements in Judicial Machinery, much has occurred with respect to the problem of prejudicial publicity. A major Supreme Court pronouncement in the case of Dr. Sam Sheppard has reinforced public concern with this aspect of fair trials. An American Bar Association Committee has released a report outlining the steps that can be taken to reduce or eliminate the danger of prejudicial publicity. Its proposals parallel those contained in S. 296, which was the subject of subcommittee hearings held last August 1965. A report of the American Newspaper Publishers Association had reiterated the place of the press in the administration of justice and the importance of promoting the freedom and responsibility of the press. A committee of the Judicial Conference is in the process of preparing its own evaluation of the problem and the possible steps that might be taken.

It is apparent that the continued national interest in the free press-fair trial debate may produce legislative proposals for consideration by the subcommittee.

In all of these areas it is the subcommittee's intention to determine the need for remedial legislation and to recommend it where necessary, to further protect constitutional guarantees. In view of the importance to every citizen of the subcommittee's work on these problems, I request on behalf of the subcommittee that our program and budget for 1967 be approved.

With all kind wishes, I am,  
Sincerely yours,

SAM J. ERVIN, JR., Chairman.

## CONSTITUTIONAL SEPARATION OF POWERS

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
SUBCOMMITTEE ON SEPARATION OF POWERS,  
January 16, 1967.

HON. JAMES O. EASTLAND,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The members of the Subcommittee on Separation of Powers have approved the following program and budget for the subcommittee during the first session of the 90th Congress. As subcommittee chairman, I should, therefore, like to submit these plans, with a draft resolution, for the consideration of the Committee on the Judiciary.

It is the subcommittee's intention to review the trespasses which the executive, legislative, and judicial branches of Government have been perpetrating on each other in violation of our constitutional system of separation of powers and checks and balances. Further, it is hoped that the subcommittee through hearings and reports can clarify the confusion which has clouded the correct separation of powers within a mushrooming Federal Government with increasing responsibilities in governing an increasing number of citizens.

In recent years, there have been complaints in the press, in the Congress, in the universities, and in the courts to the effect that the executive and judicial branches of Government have encroached on the powers of Congress on a number of fronts. For example, the allegations of encroachments have varied from the Executive's ignoring Congress authority to declare war to the judiciary's usurpation of the powers of Congress and the States to be the final arbiter of apportionment of the National House of Representatives and State legislatures. At the same time, it has been alleged that some legislative investigations have amounted to judicial trials, and that Congress has meddled in the President's power to conduct foreign policy.

In performing its duties, the subcommittee intends to call on law professors, State and Federal officials, and other experts in determining the proper role of our three branches of the Government in a modern, complex society.

In addition to reporting on the matters described above, it is the subcommittee's intention to investigate the need for remedial legislation. In view of the importance of this study, I request on behalf of the subcommittee that our program and budget for 1967 be approved.

With all kind wishes, I am,

Sincerely yours,

SAM J. ERVIN, Jr., Chairman.

## STUDY OF MATTERS PERTAINING TO CONSTITUTIONAL AMENDMENTS

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS,  
January 16, 1967.

HON. JAMES O. EASTLAND,  
Committee on the Judiciary,  
U.S. Senate,  
Washington, D.C.

DEAR MR. CHAIRMAN: The Standing Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary presents herewith the attached budget and the proposed resolution approving the sum of \$117,700 for purposes of examining, investigating, and making complete studies of all matters pertaining to constitutional amendments until January 31, 1968. This request is in accord with the amount approved by the Senate for 1966.

While the legislative work of the subcommittee was completed in the 89th Congress on the proposed 25th amendment to the Constitution, the subcommittee continues to be the body to which interested State officials and members of the public appeal for information and assistance. The subcommittee is pleased to report that this proposed amendment has been adopted by 31 States and rejected by none. The fact that a sizable majority of the State legislatures shall meet early in 1967 almost assures that the remaining seven adoptions necessary to ratification will soon be secured.

During 1966, the subcommittee conducted 6 days of hearings on the proposed amendment relating to prayer in public schools. This matter was deliberated at length by the Senate last year and it is anticipated that it will be deliberated in depth again this year.

The subcommittee began two investigations during 1966 that shall be carried over into 1967.

The subcommittee held 7 days of public hearings on the various proposals relating to electoral college reform. Recent developments in this area shall necessitate additional hearings on this matter.

The second area carried over from 1966 by the subcommittee is the effect of the Supreme Court decision of *Miranda v. Arizona* on law enforcement agencies. The subcommittee, after 3 days of hearings, intentionally deferred further hearings until additional statistics could be acquired for comparison with pre-*Miranda* statistics on interrogation and confessions. This shall be the first item of business for the subcommittee in the new Congress.

In addition to these matters set forth above, the subcommittee anticipates increased activity and work on the subject of voter qualifications as they relate to age and residency.

The subcommittee continues to receive a great number of inquiries and request for information and assistance from Members of Congress, State and local governments, government agencies, private groups, and the general public on constitutional law issues.

In light of the work which the subcommittee has awaiting it, it is my belief that the appropriation is amply justified.

Respectfully,

BIRCH BAYH,  
Chairman, Subcommittee on Constitutional Amendments.

## STUDY OF MATTERS PERTAINING TO POVERTY

STAFF MEMORANDUM RE SENATE RESOLUTION 17, EXAMINATION AND EVALUATION OF THE WAR ON POVERTY

## Senate Resolution 17—Subcommittee action

The Subcommittee on Employment, Manpower, and Poverty has unanimously reported, with an amendment, Senate Resolution 17, authorizing the Committee on Labor and Public Welfare "to examine, investigate, and make a complete study of any and all matters pertaining to poverty."

The subcommittee amended the resolution to provide for the filing of a report on or before October 31, 1967, rather than July 31 as provided in the resolution as introduced.

The resolution authorizes a total of \$252,510 for the inquiry.

## Need for the examination

The Economic Opportunity Act was passed by the 88th Congress in August 1964 and was first funded in October 1964. By the end of this fiscal year the program will have been in operation almost 3 years. Nearly \$4 billion will have been appropriated and spent in the war on poverty and almost \$2 billion more will have been asked by the administration for fiscal year 1968.

During its first 26 months of operation, the Office of Economic Opportunity has launched a variety of programs under the eight titles of the Economic Opportunity Act. Thus, as of January 12, 1967:

116 Job Corps centers were opened for the training of 35,000 disadvantaged youth each year;  
1,095,671 enrollment opportunities in the Neighborhood Youth Corps projects were funded;  
133 programs for migrants and seasonal agricultural workers and 125 projects for Indians were authorized;  
Rural loans were made to more than 17,000 individuals;  
2,645 small business loans were made;  
328 work experience projects were launched to train 194,350 people;  
More than 3,000 VISTA volunteers were trained and in the field; and

1,096 community action agencies were operating new programs such as Headstart, legal services, upward bound, foster grandparents, and coordinating and planning a host of other manpower, health, education, and welfare programs.

Thus far, no definitive evaluation of the war on poverty has been undertaken by the Congress. Nor has the executive branch undertaken an intensive examination of poverty programs designed to assess their effectiveness.

The time has clearly come for an assessment. Both the majority and minority leadership in the Senate have called for a tightening up and review of Federal programs and the President, in his recent state of the Union message declared that the executive branch would also attempt such an examination. He said:

Every program will be thoroughly evaluated, grant-in-aid programs will be improved and simplified as desired by many of our local administrators and our Governors.

This committee is uniquely well suited by its jurisdiction to aid in this effort. Senator Clark recognized and announced the need for such an inquiry early last year and majority and minority members of the Labor and Public Welfare Committee urged in their additional views on the poverty bill last year that such an inquiry be undertaken.

## Methods of inquiry

The inquiry contemplated by Senate Resolution 17 would be conducted through hearings in Washington and in the field aided by analyses of specific problems prepared by staff and consultants.

Staff work would be under the direction of regular majority and minority subcommittee counsel whose activities would be supplemented by temporary professional and clerical staff personnel employed for the duration of the study.

In addition, arrangements would be made to engage the services of a limited number of consultants who are expert in the field of poverty and who have a reservoir of knowledge related to the substantive programs or administrative arrangements involved. The activities of consultants would be supervised and coordinated by committee staff under the general direction of counsel.

Staff would be expected to prepare in June and make available to the committee an interim report containing findings and recommendations resulting from hearings and consultants activities. This interim staff report would be completed in time for use in connection with hearings on amendments to the Economic Opportunity Act this session of the 90th Congress.

The evaluation and examination of the war on poverty would be continued throughout the session and a final committee report containing findings and recommendations would be filed not later than October 31, 1967.

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